

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

PITONYAK MACHINERY CORPORATION

PLAINTIFF

v.

4:08CV00581-WRW

CRUSTBUSTER-SPEED KING INC.

DEFENDANT

ORDER

Pending is Defendant's Motion to Vacate Order and Stay Proceedings (Doc. No. 14). Plaintiff has responded (Doc. No. 15) and Defendant has replied (Doc. No. 16). Defendant's Reply states that "the dispute between the parties was resolved" and that "once the agreement of the parties is memorialized and an Order of Dismissal is filed in the District of Kansas matter, [Defendant's] pending Motion to Vacate Order and Stay Proceedings will be moot."

Defendant's Motion (Doc. No. 14) is DENIED without prejudice. Defendant may refile its Motion at a later date if necessary.

IT IS SO ORDERED this 2nd day of October, 2008.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE